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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS MOTION FOR
CONTINUANCE OF TRIAL DATE**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its Motion for Continuance of Trial Date, filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Motion for Continuance of Trial Date (“Waymo’s Motion”)	Highlighted in blue	Defendants and/or Anthony Levandowski
	Highlighted in green	Waymo
Exhibit 1 to Waymo's Motion	Entire document	Defendants and/or Anthony Levandowski
Exhibit 2 to Waymo’s Motion	Entire document	Defendants and/or Anthony Levandowski
Exhibit 4 to Waymo’s Motion	Entire document	Defendants and/or Anthony Levandowski
Exhibit 5 to Waymo's Motion	Entire document	Defendants
Exhibit 6 to Waymo's Motion	Entire document	Defendants and/or Anthony Levandowski
Exhibit 13 to Waymo’s Motion	Entire document	Anthony Levandowski
Exhibit 14 to Waymo’s Motion	Entire document	Waymo
Exhibit 15 to Waymo’s Motion	Entire document	Waymo
Exhibit 16 to Waymo’s Motion	Entire document	Waymo
Exhibit 17 to Waymo's Motion	Entire document	Waymo
Exhibit 18 to Waymo's Motion	Entire document	Waymo

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. DEFENDANTS AND/OR ANTHONY LEVANDOWSKI’S AND/OR OTHER THIRD-PARTIES CONFIDENTIAL INFORMATION

Waymo seeks to seal these documents only because Defendants and/or non-party Anthony Levandowski and or other third-parties have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects Defendants and/or Mr. Levandowski and/or other third-parties to file one or more declarations in accordance with the Local Rules.

1 **III. THE COURT SHOULD SEAL WAYMO'S CONFIDENTIAL INFORMATION**

2 The Court should also seal the portions of Waymo's Motion and Exhibits 3, 14, and 15 thereto
 3 as identified in the table above. Waymo seeks to file this information under seal because it discloses
 4 technical information regarding Waymo's trade secrets. *See* Cooper Dec., ¶ 4. Courts have
 5 determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd.*
 6 *v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting
 7 *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc'ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-
 8 3428 PSG, 2013 WL 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document
 9 that "consists entirely of descriptions of Brocade's trade secrets."). Waymo seeks to seal trade secret
 10 information that fit squarely within these categories. Cooper Dec. ¶ 4. Waymo maintains this
 11 information as a trade secret (*see* Dkt. 25-31) and ensures the information remains secret with strict
 12 secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its
 13 requests to only information meriting sealing. *Id.* In fact, both *Music Grp.* and *Brocade* found the
 14 confidential information at issue in those cases met the heightened "compelling reasons" standard for
 15 sealing. *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL 211115, at *1, *3. The
 16 information that Waymo seeks to seal, therefore, also meets this heightened standard. The disclosure
 17 of Waymo's trade secrets would harm Waymo. Cooper Dec. ¶ 4. Moreover, the scope of information
 18 that Waymo is seeking to seal is consistent with other administrative motions to seal that have already
 19 been granted by the Court in this case. (*See* Dkt. 681.) Thus, the Court should grant Waymo's
 20 administrative motion to seal.

21 **IV. CONCLUSION**

22 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 23 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 24 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.
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1 DATED: September 16, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

2
3 By /s/ Charles K. Verhoeven

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4 Attorneys for WAYMO LLC

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